

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 214

March 25, 2011

SUMMARY OF BILL: Requires a first time violator of an order of protection to attend court-appointed mandatory counseling and creates optional counseling for the victim. Requires the defendant to cover all costs associated with such counseling, unless the defendant is determined by the court to be indigent. Imposes a \$3,000 fine, in addition to other penalties, for a second or subsequent violation of the order of protection.

ESTIMATED FISCAL IMPACT:

Increase State Revenue – \$88,600

Increase State Expenditures – \$188,500

Increase Local Revenue – \$270,000

Assumptions:

- According to the Administrative Office of the Courts, there has been an average of 64 state court convictions for domestic violence offenses in each of the past three years. State court convictions are 10 percent of the total convictions. Total convictions, including general session courts, are estimated to be an average of 640 per year.
- It is estimated that 70 percent, or 448, will be first-time offenders and 30 percent, or 192, will be second-time offenders.
- It is assumed that 25 percent, or 112, of the victims of first-time offenders will chose to participate in optional counseling sessions.
- The Department of Mental Health (DMH) will be responsible for arranging counseling sessions through contracts with various Community Mental Health Agencies (CMHAs).
- The providers will determine the number of sessions that are required of each defendant and recommend the number of sessions for each participating victim. It is estimated that, on average, each defendant will be required to participate in five sessions, with the victims choosing to participate in two sessions.
- The courts will not be responsible for collecting payments from the defendants and reimbursing the actual providers for counseling sessions.
- According to DMH, the cost of counseling per one-hour session is \$61.50. DMH will pay the CMHAs a \$15.00 administrative fee per session to determine ability to pay and insurance eligibility and to bill the appropriate party.

- Total treatment costs will be \$151,536 [(448 defendants x 5 sessions x \$61.50) + (112 victims x 2 sessions x \$61.50)].
- Total administrative costs will be \$36,960 [(448 defendants x 5 sessions x \$15.00) + (112 victims x 2 sessions x \$15.00)], for a total cost of counseling sessions of \$188,496 (\$151,536 + \$36,960).
- Based on the Fiscal Review Staff Report on Uncollected Criminal Case Fines, Costs, and Litigation Taxes (September, 2008), it is estimated that 53 percent of costs will be assessed against victims and offenders who are indigent. The remaining 47 percent will be recovered. As a result, the state will collect approximately \$88,593 (\$188,496 x 47%).
- It is also estimated that 53 percent of second-time offenders, or 102, are indigent and cannot pay the \$3,000 fine imposed by this bill. The remaining 47 percent, or 90, will pay the fine. As a result, local revenue will increase by \$270,000 (\$3,000 x 90).

**Article II, Section 24 of the Tennessee Constitution provides that: No law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

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